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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,632	12/13/2001	Purva R. Rajkotia	SAMS01-00183	9201
7590 08/26/2004			EXAMINER	
Docket Clerk P.O. Drawer 800889 Dallas, TX 75380			NGUYEN, LEE	
			ART UNIT	PAPER NUMBER
			2682	
DATE MAILED: 08/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,632

Applicant(s)

RAJKOTIA, PURVA R.

Examiner

LEE NGUYEN

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,11-17,21-23,27 and 28 is/are rejected.
- 7) ☒ Claim(s) 2-4,8-10,18-20 and 24-26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-7, 11-17, 21-23, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich (US 5,991,621) in view of Hagirahim et al. (US 2002/0154642).

Regarding claim 1, Alperovich teaches a telecommunications network comprising plurality of service nodes 70a, 70b and a plurality mobile Stations 10a, 10b (fig. 3), wherein each service node in said plurality of packet data service nodes is capable of communicating with at least one mobile station, an apparatus for avoiding triangulation delay when a first mobile station 10a sends data to a second mobile station 10b, said apparatus comprising:
an interface 80, 100, 150, 160, 170 connecting a first service node 70a that serves said first mobile station 10a and a second service

node 70b that serves said second mobile station 10b, said interface enabling said first service node to obtain information from said second service node concerning said second mobile station (col. 4, line 58 through col. 5, line 55). Alperovich fails to teach that the service nodes are packet data service node in data communication. Hagirahim teaches a data communication system that includes a first data service node PDSN/FA in communication with a second data service node PDSN/HA, see [0028] and [0033]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide data service of Hagirahim to the communication system of Alperovich in order to allow data communication in addition to voice communication.

Regarding claim 5, Alperovich as modified also teaches that said first packet data service node is capable of avoiding triangulation delay by sending data packets from said first mobile station directly to said second packet data service node for delivery to said second mobile station based on information received from said second mobile packet data service node through said interface (Alperovich, col. 5, 29-34).

Regarding claim 6, Alperovich as modified also teaches that said first packet data service node is capable of avoiding triangulation delay by sending data packets from said first mobile station directly to said second packet data service node for delivery to said second mobile station without sending said data packets through an Internet protocol network (Alperovich, col. 5, 29-34).

Regarding claim 7, Alperovich as modified inherently teaches comprising an interface connecting each packet data service node said plurality of packet data service nodes with all other packet data service nodes in said plurality of packet data service nodes, said interface enabling said each packet data service node to obtain information from all other packet data service nodes concerning mobile stations served by said packet data service nodes (only two nodes 70a, 70b shown in figure 3 of Alperovich).

Regarding claim 11, Alperovich as modified also teaches that said apparatus is capable of avoiding triangulation delay when said

first mobile station served by said first packet data service node sends data packets to a third mobile station served by said first packet data service node, wherein said first packet data service node is capable of determining from information received through an interface with other packet data service nodes that said first packet data service node is serving said third mobile station (Alperovich, col. 6, 23-29).

Regarding claim 12, Alperovich as modified also teaches that said first packet data service node sends said data packets from said first mobile station to said third mobile station without sending said data packets through an Internet protocol network (Alperovich, col. 6, 23-29).

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 1 in which the database reads on numeral 180, fig. 3 of Alperovich.

Regarding claim 14, Alperovich as modified also teaches an IP network coupled to the database (Hagirahim, mobile IP network, [0006]).

Regarding claim 15, Alperovich as modified also teaches that the database is capable of identifying which packet data service node in said telecommunications network serves said second mobile station (Alperovich, col. 5, 3-41).

Regarding claim 16, the claim is interpreted and rejected for the same reason as set forth in claim 6.

Regarding claim 17, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 21, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 22, the claim is interpreted and rejected for the same reason as set forth in claim 6.

Regarding claim 23, the claim is interpreted and rejected for the same reason as set forth in claim 7.

Regarding claim 27, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Regarding claim 28, the claim is interpreted and rejected for the same reason as set forth in claim 12.

Allowable Subject Matter

3. Claims 2-4, 8-10, 18-20, 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2, 18, the prior art of record fails to teach that said interface enables said second packet data service node to send an

Internet protocol push message to said first packet data service node.

Regarding claims 8, 24, the claims are allowable for the same reason as set forth in claim 2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 8/19/04
LEE NGUYEN
Primary Examiner
Art Unit 2682